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16 **ELI LILLY AND COMPANY**

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19 SAN FRANCISCO DIVISION

20 STATE OF CALIFORNIA *ex rel.* JAYDEEN ) Case No. 07-cv-04911-CRB  
21 VICENTE and JAYDEEN VICENTE )  
22 Individually, ) Assigned to: Hon. Charles R. Breyer  
23 Relators, )  
24 v. ) **SUPPLEMENTAL REQUEST FOR**  
25 ) **JUDICIAL NOTICE IN SUPPORT OF**  
26 ELI LILLY AND COMPANY, ) **MOTION TO DISMISS**  
27 Defendant. )  
28 )

Date: December 7, 2007  
Time: 10:00 a.m.  
Place: Courtroom 8, 19th Floor

1 Defendant Eli Lilly and Company (“Lilly”) hereby requests that this Court take judicial  
2 notice of the facts and documents listed below and attached hereto as exhibits, pursuant to Rule 201  
3 of the Federal Rules of Evidence, for purposes of Lilly’s previously filed motion to dismiss the  
4 complaint of *qui tam* plaintiff Jaydeen Vicente in the above-entitled action.

5 1. Request No. 1: Margaret Cronin Fisk, *Lilly Fraudulently Marketed Zyprexa,*  
6 *Montana Claims*, BLOOMBERG NEWS, Mar. 12, 2007, a true and correct copy of which is attached  
7 hereto as **Exhibit 1**.

8 This Court may properly take judicial notice of publicly available media publications. *Ritter*  
9 *v. Hughes Aircraft Co.*, 58 F. 3d 454 (9th Cir. 1995); *Washington Post v. Robinson*, 935 F. 2d 282,  
10 291 (D.C. Cir. 1991) (taking judicial notice of a newspaper article to show information was in the  
11 public domain).

12 Respectfully submitted,

13  
14 Dated: November 21, 2007

SIDLEY AUSTIN LLP

15  
16 By: /s/ Timothy T. Scott

17 Timothy T. Scott  
18 Attorneys For Defendant  
ELI LILLY AND COMPANY  
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